REMARKS/ARGUMENTS

1. Claims 13 and 15-18 Comply with 35 U.S.C. §§112, par. 2 and 101

The Examiner rejected claims 13 and 15-18 as failing to point out and distinctly claim the subject matter (35 U.S.C. §112, par. 2) and as directed to non-statutory subject matter (35 U.S.C. §101). During the phone interview, Applicants discussed with the Examiner an amendment to clarify claim 13 and dependent claims, which the Examiner indicated could help overcome these rejections. Applicants traverse for the reasons discussed below with respect to the claims, amended as discussed during the phone interview. .

Applicants amended claim 13 to clarify that the system is comprised of a remote and local data processing systems and code executed by each to perform specific operations. Applicants submit that amended claim 13 is a statutory system claim. Applicants further amended the dependent claims 15-17 to make the limitations consistent with respect to the amendments to the base claims. According to the Manual of Patent Examination and Procedure (MPEP), "[i]f a claim defines a useful machine or manufacture by identifying the physical structure of the machine or manufacture in terms of its hardware or hardware and software combination, it defines a statutory product." Claim 13 defines a system

The Examiner cited Ex parte Lyell, 17 USPQ2d 1548 (Bd. Pat App. & Inter 1990) in finding that claim 13 does not comply with both Sections 112 and 101 because it "claims both an apparatus and the method steps of using the apparatus" and "overlaps two different statutory classes". (Office Action, pg. 3). Applicants traverse and submit that Lyell is not applicable to amended claim 13 in this case.

In Lyell, the claim-at-issue recited "An automatic transmission tool in the form of a workstand and method for using same comprising". Thus, the Lyell claim included "method for using" language in the preamble of an apparatus claim. The ruling in Lyell is not applicable to amended claim 13 of the current application because amended claim 13 does not include a "method for" statement in the preamble of the system claim. Instead, claim 13 recites a system claim comprising certain components listed in the body of the claim. For this reason, the ruling of Lyell is not applicable.

For the above reasons, Applicants submit amended claim 13 complies with Sections 112, par. 2 and 101.

2. Claims 1, 3-7, 9-13, and 15-18 are Patentable Over the Cited Art

The Examiner rejected claims 1, 4, 5, 7, 10, 13, 16, and 17 as obvious (35 U.S.C. §103) over Hayes (U.S. Patent No. 6,205,476) and Hsu (U.S. Patent No. 5,894,515). Applicants traverse.

Claims 1, 7, and 13 concern downloading an application program from a remote data processing system for execution by a particular user on a local data processing system, and require: defining and storing a user configuration of the application program corresponding to the particular user of the application program; encrypting and storing the user configuration in a manifest file; initiating a session between the local data processing system and the remote data processing system in response to the particular user requesting the application program; performing a first authentication of the particular user in response to the particular user requesting the application program; performing, by the local code, a local logon to perform a second authentication of the particular user; decrypting the manifest file to produce a decrypted user configuration in response to the second authentication; and responsive to the second authentication, downloading data from the remote data processing system to the local data processing system according to the decrypted user configuration.

Applicants amended claims 1, 7, and 13 to clarify a first authentication and added the claim requirement of a local logon and second authentication, wherein the decryption and downloading of data is performed in response to the second authentication. The additional requirements concerning the local logon are disclosed on pg. 12, lines 19-25 of the Application. Further, the claim requirements concerning the operations performed by the local and remote data processing system components are described on pages 12-14 of the Application.

The Examiner cited FIGs. 9, 10, and 11 of Hayes as teaching the requirements of claims 1, 7, and 13 and modified Hayes with Hsu's cited teaching of encryption. (Fourth Office Action, pgs. 4-5) Applicants traverse.

The cited FIG. 9 discusses an administrator running a configuration applet to configure preferences for an applet for other users or groups. (Hayes, col. 14, lines 65-67) The administrator points their web browser to the URL of the profile manager applet. FIGs. 10 and 11 discuss how the administrator may select and configure a customer applet. (Hayes, col. 16, lines 10-55)

The cited Hayes discusses how an administrator may configure a user applet, used by a user. Nowhere does the cited Hayes anywhere teach or suggest the claim requirements of how a user at a local data processing system initiates a session with the remote data processing system and that a first authentication is performed. Further, nowhere does the cited FIGs. 9, 10, and 11 anywhere teach or suggest a local logon to perform a second authentication of the user to allow the decryption of a manifest file and downloading of data from the remote data processing system. If the Examiner continues to maintain that FIGs. 9, 10, and 11 teach the requirements of the independent claims, Applicants request that the Examiner more specifically identify the steps in the figures that correspond to particular claim limitations. Otherwise, the cited figures appear to be directed toward allowing an administrator to configure a user applet, which is different from and does not teach the specific claim requirements of how a user at a local data processing system may download an application program, user configuration, and data from a remote data processing system.

Col. 4 of Hayes discusses allowing users to roam and log-in from any computer in a system and have it configured automatically at run time according to preferences stored for the user at the server. The clients may use a browser to execute Java applications, such as applets. Col. 4 further mentions that the administrator may configure the user application by executing the application in the context of a user or user group. (Hayes, col. 4, lines 1-35)

Although Hayes discusses how a user may download applications and preferences for the applications from a server to execute, nowhere does the cited Hayes anywhere disclose the specific claim requirements of a first authentication to authenticate the particular user and then performing a local logon to perform a second authentication required to decrypt the manifest file and download data from the remote data processing system.

The Examiner cited coo. 1, lines 13-21 of Hsu as teaching the requirements concerning encrypting and decrypting. (Fourth Office Action, pg. 5)

The cited col. 1 discusses encrypting data to limit access to an authorized user. Although the cited Hsu discusses general encryption, nowhere does the cited Hsu teach or suggest the deficiencies of Hayes in not teaching a first authentication of the user and then a local logon and second authentication, where the decryption and downloading of data occur in response to the second authentication.

Moreover, nowhere does the cited combination anywhere teach or suggest that a manifest file having user configuration information is decrypted and data downloaded in response to the second authentication.

Accordingly, claims 1, 7, and 13 are patentable over the cited combination because the cited combination does not teach or suggest all the claim requirements.

Applicants amended dependent claims 3, 4, 5, 9, 10, 11, 15, 16, and 17 to clarify the claim requirements with respect to the amended independent claims 1, 7, and 13.

Claims 3, 4, 5, 9, 10, 11, 15, 16, and 17 are patentable over the cited art because they depend from claims 1, 7, and 13, which are patentable over the cited art for the reasons discussed above. Certain of these claims provide additional grounds of patentability over the cited art.

Claims 4, 10, and 16 depend from claims 1, 7, and 13 and further require building the application program pursuant to the user configuration decrypted from the manifest file in response to the second authentication.

The Examiner cited FIG. 11, steps 1112, 1114, 1116, and 1118 of Hayes as teaching the additional requirements of claims 4, 10, and 16. (Fourth Office Action, pg. 5) Applicants traverse. According to Hayes, at step 1112, the event listener performs a load() call to retrieve the preferences for the new context and the profile management properties (P) is updated with the new preferences at step 1118. (Hayes, col. 17, lines 35-44) The preferences refers to the configuration the administrator can specify for a user application in the context of different groups of system users and store the configuration preferences for the user application. (Hayes, col. 4, lines 38-50) Further, the passing of the password and preferences at steps 1114 and 1116 are performed so the administrator may configure the applet in different user and group contexts. (Hayes, col. 4, lines 38-61; col. 17, lines 25-42)

The cited steps concerns how an administrator may set configuration preferences for a user application. Nowhere do the cited steps anywhere teach or suggest building the application program pursuant to the user configuration decrypted from the manifest file in response to the second authentication performed as part of a local logon.

Accordingly, claims 4, 10, and 16 provide additional grounds of patentability over the cited art.

Claims 5, 11, and 17 depend from claims 4, 10, and 16 and further require that the second authentication is performed responsive to the particular user requesting a build of the application

program. The Examiner cited the same above discussed steps 1112, 1114, 1116, and 1118 of FIG. 11 of Hayes. (Fourth Office Action, pg. 6) Applicants traverse.

The cited steps discuss how an administrator can configure preferences for a user application. Nowhere do the cited steps anywhere teach or suggest the claim requirement that the second authentication performed as part of the local login is responsive to the user requesting to build the application program. There is no mention in the cited steps of the user requesting to build an application and then performing a local logon to do the second authentication.

Accordingly, claims 5, 11, and 17 provide additional grounds of patentability over the cited art.

Conclusion

For all the above reasons, Applicant submits that the pending claims 1, 3-7, 9-13, 15-18 are patentable over the art of record. Applicants have not added any claims. Nonetheless, should any additional fees be required, please charge Deposit Account No. 09-0460.

The attorney of record invites the Examiner to contact him at (310) 553-7977 if the Examiner believes such contact would advance the prosecution of the case.

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